

PATENT

Our Docket: P-PM 4966

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit: Not yet assigned
Braun and Sutton)
Serial No.: Not yet assigned) Examiner: Not Yet Assigned
Filed: Herewith) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
For: IBD-ASSOCIATED MICROBIAL) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 857042061 US
NUCLEIC ACID MOLECULES) DATE OF DEPOSIT: September 27, 2001
ATTN: Box Patent Application) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
COMMISSIONER FOR PATENTS) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20231) "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, ATTENTION
BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

Kathy Tambora
Printed Name of Person Mailing Paper or Fee

Kathy Tambora
Signature of Person Mailing Paper or Fee

PRELIMINARY AMENDMENT

Entry of the amendments and consideration of the
remarks that follow is respectfully requested.

PRELIMINARY AMENDMENT

In the claims:

Please delete claim 1

Please add the following new claims:

26. An isolated nucleic acid molecule, comprising a
nucleotide portion of SEQ ID NO:1, said nucleotide portion
encoding at least 3 amino acids of SEQ ID NO:2.

27. The isolated nucleic acid molecule of claim 26,
encoding at least 5 amino acids of SEQ ID NO:2.

Inventors: Braun and Sutton
Serial No.: Not yet assigned
Filed: Herewith
Our Docket: P-PM 4966
Page 3

37. The isolated nucleic acid molecule of claim 26, encoding at least 15 amino acids of SEQ ID NO:2.

38. The isolated nucleic acid molecule of claim 37, encoding 15 to 20 amino acids of SEQ ID NO:2.

39. The isolated nucleic acid molecule of claim 26, encoding at least 18 amino acids of SEQ ID NO:2.

40. The isolated nucleic acid molecule of claim 26, encoding at least 20 amino acids of SEQ ID NO:2.

41. The isolated nucleic acid molecule of claim 26, encoding at least 25 amino acids of SEQ ID NO:2.

42. An isolated nucleic acid molecule, comprising a nucleic acid sequence encoding at least 5 amino acids of SEQ ID NO:2.

43. The isolated nucleic acid molecule of claim 42, encoding 5 to 50 amino acids of SEQ ID NO:2.

44. The isolated nucleic acid molecule of claim 42, encoding at least 8 amino acids of SEQ ID NO:2.

45. The isolated nucleic acid molecule of claim 44, encoding 8 to 50 amino acids of SEQ ID NO:2.

096609-092701

Inventors: Braun and Sutton
Serial No.: Not yet assigned
Filed: Herewith
Our Docket: P-PM 4966
Page 4

46. The isolated nucleic acid molecule of claim 44,
encoding 8 to 20 amino acids of SEQ ID NO:2.

47. The isolated nucleic acid molecule of claim 42,
encoding at least 10 amino acids of SEQ ID NO:2.

48. The isolated nucleic acid molecule of claim 47,
encoding 10 to 50 amino acids of SEQ ID NO:2.

49. The isolated nucleic acid molecule of claim 47,
encoding 10 to 20 amino acids of SEQ ID NO:2.

50. The isolated nucleic acid molecule of claim 42,
encoding at least 12 amino acids of SEQ ID NO:2.

51. The isolated nucleic acid molecule of claim 50,
encoding 12 to 20 amino acids of SEQ ID NO:2.

52. The isolated nucleic acid molecule of claim 42,
encoding at least 15 amino acids of SEQ ID NO:2.

53. The isolated nucleic acid molecule of claim 52,
encoding 15 to 20 amino acids of SEQ ID NO:2.

54. The isolated nucleic acid molecule of claim 42,
encoding at least 18 amino acids of SEQ ID NO:2.

0906560-052.01

Inventors: Braun and Sutton
Serial No.: Not yet assigned
Filed: Herewith
Our Docket: P-PM 4966
Page 5

55. The isolated nucleic acid molecule of claim 42, encoding at least 20 amino acids of SEQ ID NO:2.

56. The isolated nucleic acid molecule of claim 42, encoding at least 25 amino acids of SEQ ID NO:2.

REMARKS

Claim 1 is pending in the above-identified application. Upon entry of the present amendments, claim 1 will be cancelled and new claims 26 to 56 added. Support for new claims 26 to 56 can be found throughout the specification as set forth below.

New independent claim 26 is directed to an isolated nucleic acid molecule containing a nucleotide portion of SEQ ID NO: 1 that encodes at least three amino acids of SEQ ID NO: 2. Support for new independent claim 26 can be found in the specification, for example, at page 17, lines 2-4, which discloses nucleotide portions of SEQ ID NO: 1 useful, for example, as primers for PCR analysis, and at page 6, line 29, to page 7, line 1, which discloses the I-2 nucleic acid sequence (SEQ ID NO: 1) and predicted amino acid sequence (SEQ ID NO: 2). Additional support for claim 26 can be found in the specification, for example, at page 42, lines 3-15, which discloses recombinant nucleic acid molecules encoding peptide fragments of an I-2 polypeptide, and at page 51, lines 23-26, which discloses the I-2 specific primers SEQ ID NOS: 3 and 4. Support for the recitation that the nucleotide portion encodes at

Inventors: Braun and Sutton
Serial No.: Not yet assigned
Filed: Herewith
Our Docket: P-PM 4966
Page 6

least three amino acids of SEQ ID NO: 2 is provided throughout the specification, for example, at page 30, line 30, to page 31, line 2, which teaches that an immunoreactive fragment can have from about three amino acids to the full length of an I-2 polypeptide.

New dependent claims 27, 29, 32, 35, 37, and 39 to 41 are directed to the isolated nucleic acid molecule of claim 26, which encodes at least 5, 8, 10, 12, 15, 18, 20 or 25 amino acids of SEQ ID NO: 2, respectively. These new claims are supported in the specification as described above for claim 26 and further are supported in the specification, for example, at page 31, lines 2-4, which indicates that a fragment of an I-2 polypeptide can have, for example, at least 5, 8, 10, 12, 15, 18, 20 or 25 amino acids. New claims 28, 30, 31, 33, 34, 36 and 38 are directed to an isolated nucleic acid molecule containing a nucleotide portion of SEQ ID NO: 1 that encodes from 5 to 50, from 8 to 50, from 8 to 20, from 10 to 50, from 10 to 20, from 12 to 20 or from 15 to 20 amino acids of SEQ ID NO: 2, respectively. These new claims are supported in the specification as described above for new claim 26 and further are supported in the specification, for example, at page 31, lines 4-11, which indicates that a fragment of an I-2 polypeptide can have, for example, from five to fifty amino acids, from eight to fifty amino acids, from ten to fifty amino acids, from eight to twenty amino acids, from ten to twenty amino acids, from twelve to twenty amino acids or from fifteen to twenty amino acids.

Inventors: Braun and Sutton
Serial No.: Not yet assigned
Filed: Herewith
Our Docket: P-PM 4966
Page 7

New independent claim 42 is directed to an isolated nucleic acid molecule containing a nucleic acid sequence encoding at least 5 amino acids of SEQ ID NO:2. Support for new independent claim 42 can be found in the specification, for example, at page 42, lines 3-15, which discloses recombinant nucleic acid molecules encoding peptide fragments of an I-2 polypeptide, and at page 6, line 29, to page 7, line 1, which discloses SEQ ID NO:2 as an I-2 amino acid sequence. New claim 42 also is supported in the specification at page 31, lines 2-4, which teaches that a fragment of an I-2 polypeptide can have at least 5 amino acids.

New dependent claims 44, 47, 50, 52 and 54 to 56 are directed to the isolated nucleic acid molecule of claim 42, which encodes at least 8, 10, 12, 15, 18, 20 or 25 amino acids of SEQ ID NO: 2, respectively. These new claims are supported in the specification as described above for claim 42 and further are supported in the specification at page 31, lines 2-4, described above. New claims 43, 45, 46, 48, 49, 51 and 53 are directed to an isolated nucleic acid molecule encoding 8 to 50, 8 to 20, 10 to 50, 10 to 20, 12 to 20 or 15 to 20 amino acids of SEQ ID NO: 2, respectively. These new claims are supported in the specification as described above for new claim 42 and further are supported in the specification, for example, at page 31, lines 4-11, also described above.

As set forth above, each of the new claims are supported by the specification and does not introduce new matter.

1998-1999		1999-2000		2000-2001		2001-2002		2002-2003		2003-2004		2004-2005		2005-2006		2006-2007		2007-2008		2008-2009		2009-2010		2010-2011		2011-2012		2012-2013		2013-2014		2014-2015		2015-2016		2016-2017		2017-2018		2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024		2024-2025		2025-2026		2026-2027		2027-2028		2028-2029		2029-2030		2030-2031		2031-2032		2032-2033		2033-2034		2034-2035		2035-2036		2036-2037		2037-2038		2038-2039		2039-2040		2040-2041		2041-2042		2042-2043		2043-2044		2044-2045		2045-2046		2046-2047		2047-2048		2048-2049		2049-2050		2050-2051		2051-2052		2052-2053		2053-2054		2054-2055		2055-2056		2056-2057		2057-2058		2058-2059		2059-2060		2060-2061		2061-2062		2062-2063		2063-2064		2064-2065		2065-2066		2066-2067		2067-2068		2068-2069		2069-2070		2070-2071		2071-2072		2072-2073		2073-2074		2074-2075		2075-2076		2076-2077		2077-2078		2078-2079		2079-2080		2080-2081		2081-2082		2082-2083		2083-2084		2084-2085		2085-2086		2086-2087		2087-2088		2088-2089		2089-2090		2090-2091		2091-2092		2092-2093		2093-2094		2094-2095		2095-2096		2096-2097		2097-2098		2098-2099		2099-2100		2100-2101		2101-2102		2102-2103		2103-2104		2104-2105		2105-2106		2106-2107		2107-2108		2108-2109		2109-2110		2110-2111		2111-2112		2112-2113		2113-2114		2114-2115		2115-2116		2116-2117		2117-2118		2118-2119		2119-2120		2120-2121		2121-2122		2122-2123		2123-2124		2124-2125		2125-2126		2126-2127		2127-2128		2128-2129		2129-2130		2130-2131		2131-2132		2132-2133		2133-2134		2134-2135		2135-2136		2136-2137		2137-2138		2138-2139		2139-2140		2140-2141		2141-2142		2142-2143		2143-2144		2144-2145		2145-2146		2146-2147		2147-2148		2148-2149		2149-2150		2150-2151		2151-2152		2152-2153		2153-2154		2154-2155		2155-2156		2156-2157		2157-2158		2158-2159		2159-2160		2160-2161		2161-2162		2162-2163		2163-2164		2164-2165		2165-2166		2166-2167		2167-2168		2168-2169		2169-2170		2170-2171		2171-2172		2172-2173		2173-2174		2174-2175		2175-2176		2176-2177		2177-2178		2178-2179		2179-2180		2180-2181		2181-2182		2182-2183		2183-2184		2184-2185		2185-2186		2186-2187		2187-2188		2188-2189		2189-2190		2190-2191		2191-2192		2192-2193		2193-2194		2194-2195		2195-2196		2196-2197		2197-2198		2198-2199		2199-2200		2200-2201		2201-2202		2202-2203		2203-2204		2204-2205		2205-2206		2206-2207		2207-2208		2208-2209		2209-2210		2210-2211		2211-2212		2212-2213		2213-2214		2214-2215		2215-2216		2216-2217		2217-2218		2218-2219		2219-2220		2220-2221		2221-2222		2222-2223		2223-2224		2224-2225	
-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--	-----------	--

CONCLUSION

Respectfully submitted,

Date: September 27, 2001

Andra Hashee

Andrea L. Gashler
Registration No. 41,029
Telephone No.: (858) 535-9001
Facsimile No.: (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601

Document: Patent Application
Bibliographic Data Sheet
Attorney Docket No: P-PM 4966

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: **EL 857042061 US**

DATE OF DEPOSIT: **September 27, 2001**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, ATTENTION BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

Kerly Tambora

Printed Name of Person Mailing Paper or Fee

Kerly Tambora

Signature of Person Mailing Paper or Fee

10/25/01 10:56:00